



ORDINANCE NO. 6668

BY THE COUNCIL:

BISTERFELDT, CLEGG, EBERLE,
JORDAN, SHEALY & TIBBS

AN ORDINANCE (CAR07-00061/RANDALL GILLINGHAM) FOR PROPERTY LOCATED AT 10026 S. EISENMAN ROAD) ANNEXING CERTAIN LANDS AND TERRITORY, SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BOISE CITY; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID LANDS AS M-2D (GENERAL INDUSTRIAL WITH DESIGN REVIEW); PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY ASSESSOR, THE ADA COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the lands and territory, situated in Ada County and particularly described in Section One of this ordinance, has requested, in writing, annexation of said lands to the city; and

WHEREAS, the Boise City Council has found and determined that said lands and territory are contiguous and adjacent to Boise City and that annexation of said lands can reasonably be used for orderly development of Boise City; and

WHEREAS, the Boise City Planning & Zoning Commission, pursuant to public notice as required by law, held a public hearing on December 3, 2007, and recommended to the Mayor and Council that annexation be approved and said lands be zoned M-2D (General Industrial with Design Review); and

WHEREAS, the Boise City Council, pursuant to public notice as required by law, held a public hearing on February 5, 2008, on the proposed zoning for the property described in Section One below, all as required by Idaho Code, Section 67-6525.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. The lands and territory situated in Ada County, Idaho, adjacent and contiguous to the City of Boise City, Idaho, particularly described in Exhibits "A" & "B" which is annexed hereto

and by reference made a part of this ordinance as though fully set forth herein, be, and the same are hereby, annexed to and incorporated in the territorial limits of the City of Boise City, Idaho.

Section 2. From and after the effective date of this ordinance, all property included within the boundaries and territory described in Section 1 hereof and annexed as provided by said Section shall be subject to all the statutes pertaining to Boise City and all ordinances, resolutions, police regulations, taxation and other powers of Boise City, and all persons and property within the territory so annexed shall be and are entitled to all benefits and rights as are the persons and property presently within the corporate territorial limits of Boise City.

Section 3. The City Engineer of Boise City is hereby directed to lodge and file with the City Clerk of Boise City within ten (10) days after the passage and approval hereof, a legal description and map prepared in a draftsmanlike manner which shall plainly and clearly designate the boundaries of the lands and territory annexed, pursuant to the provisions of Section 1 hereof.

Section 4. Pursuant to the findings of the Boise City Council, the land use classification of the lands described in Exhibits "A," and "B" annexed hereto and by reference made a part thereof is hereby fixed and established as M-2D (General Industrial with Design Review), all as provided by the Zoning Ordinance of Boise City. The reasoned statement is:

Reasoned Statement

Reasons for the Decision-Annexation

That the annexation shall incorporate the Boise sewer planning area: The subject area is within the service area of the Boise Sewer District, and shall be required to connect to that service upon development. The Boise sewer planning area is incorporated with the proposed annexation.

Honor negotiated area of impact agreements: The subject site is within the Boise Area of Impact and subject to compliance with the Boise Comprehensive Plan. The M-2D zone is in compliance with the Boise Comprehensive Plan Future Land Use Map. The parcel is located adjacent to Boise City limits on the west, and north. The proposed annexation complies with section 11-15 of the Boise Municipal Code.

Attempt to balance costs of services with anticipated revenues: The proposed zoning for the subject property is consistent with the surrounding uses and the Boise Comprehensive Plan. Industrial uses will contribute to the economic vitality within the city.

Promote other goals of population balance, contiguous development and prevention of costs due to leap frog development: The subject site is within the Boise Area of Impact and is adjacent to Boise's incorporated city limits. It meets the standards of a Category A Annexation found in Section 11-08-05 of the Boise Municipal Code. It thereby substantiates this finding for compatible and contiguous land use.

The annexation will preserve compatibility of surrounding zoning and development with the M-2D zone. The M-2D zoning designation is consistent with zoning to the west of the site.

Reasons for the Decision-Rezone

Comply with and conform to the Boise City Comprehensive Plan: Based on the current land use designation of Industrial, the zoning designation of M-2D is consistent with the Boise City Comprehensive Plan.

Provide and maintain sufficient transportation and other public facilities: The rezone to M-1D will not adversely impact the delivery of services by any political subdivision providing services in the area. The applicant will be required to bring sewer down Eisenman Road approximately .5 miles. The parcel has frontage on a newly acquired ACHD right of way that is currently a private road and it has good access from the Interstate.

Maintain and preserve compatibility of surrounding zoning and development: Chapter 9, Policy 9.1.2 states that the City should, "Maintain sufficient vacant land that is reserved for unique forms of industrial, retail and office uses such as; heavy and light manufacturing, high tech industry, regional retail, specialty retail, incubator retail and industrial, and garden and high rise office." The M-2D (General Industrial with Design Review) zone will maintain and preserve compatibly with the surrounding zoning and development. The M-2D zone will provide industrial lands that are lacking within the City of Boise.

Section 5. The zoning maps of Boise, Idaho, as the same are provided in Section 11-2-1.2, Boise City Code, are hereby changed, altered, and amended to include the real property described in Section 4 above in the land use classification therein described.

Section 6. The City Clerk of Boise City is hereby directed to file, within ten (10) days after the passage and approval hereof, a certified copy of this Ordinance with the Ada County Assessor, County Recorder and County Treasurer of Ada County, Idaho, and the State Tax Commission of Idaho, and to file a copy of said legal description and map, as prepared and lodged with her/him by the City Engineer, with the County Assessor and County Recorder of Ada County, Idaho, and the State Tax Commission of Idaho, all as provided by Sections 50-223 and 63-2215, Idaho Code.

Section 7. That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

PASSED by the Council of the City of Boise City, Idaho, this 27th day of May,
2008.

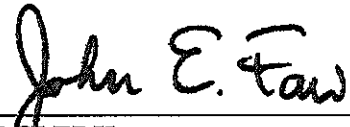
APPROVED by the Mayor of the City of Boise City, Idaho, this 27th day of
May, 2008.

APPROVED:



MAYOR- David H. Bieter

ATTEST:



CITY CLERK- John E. Faw



ANNEXATION DESCRIPTION
CAR07-61
EXHIBIT A

A parcel of land located in the SE1/4 of the NW1/4 of Section 18, Township 2 North, Range 3 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the West Quarter Corner of Section 18; thence South 89°51'20" East 575.29 feet along the East-West Quarter Line of Section 18; thence South 89°38'28" East 662.22 feet along said Quarter Line to the Southwest Corner of said SE1/4 of the NW1/4, the True Point of Beginning;

Thence along the westerly boundary of said SE1/4 of the NW1/4 North 00°12'51" East 1324.41 feet to the Northwest Corner of said SE1/4 of the NW1/4;

Thence along the northerly boundary of said SE1/4 of the NW1/4 South 89°57'57" East 664.87 feet to the westerly right of way of Interstate 84;

Thence along said right of way South 17°51'54" East 436.89 feet to the beginning of a curve;

Thence 147.53 feet along the arc of a curve right having a radius of 11609.16 feet, an interior angle of 00°43'41" and a long chord bearing South 18°13'45" East 147.53 feet;

Thence South 09°44'55" East 300.64 feet;

Thence South 02°02'42" West 478.51 feet to the southerly boundary of said SE1/4 of the NW1/4;

Thence leaving said right of way North 89°34'55" West 883.85 feet along the southerly boundary of said SE1/4 of the NW1/4 to the True Point of Beginning.

SECTION 18 TOWNSHIP 2N RANGE 3E

BOISE CITY  ADA COUNTY  ANNEXED AREA 

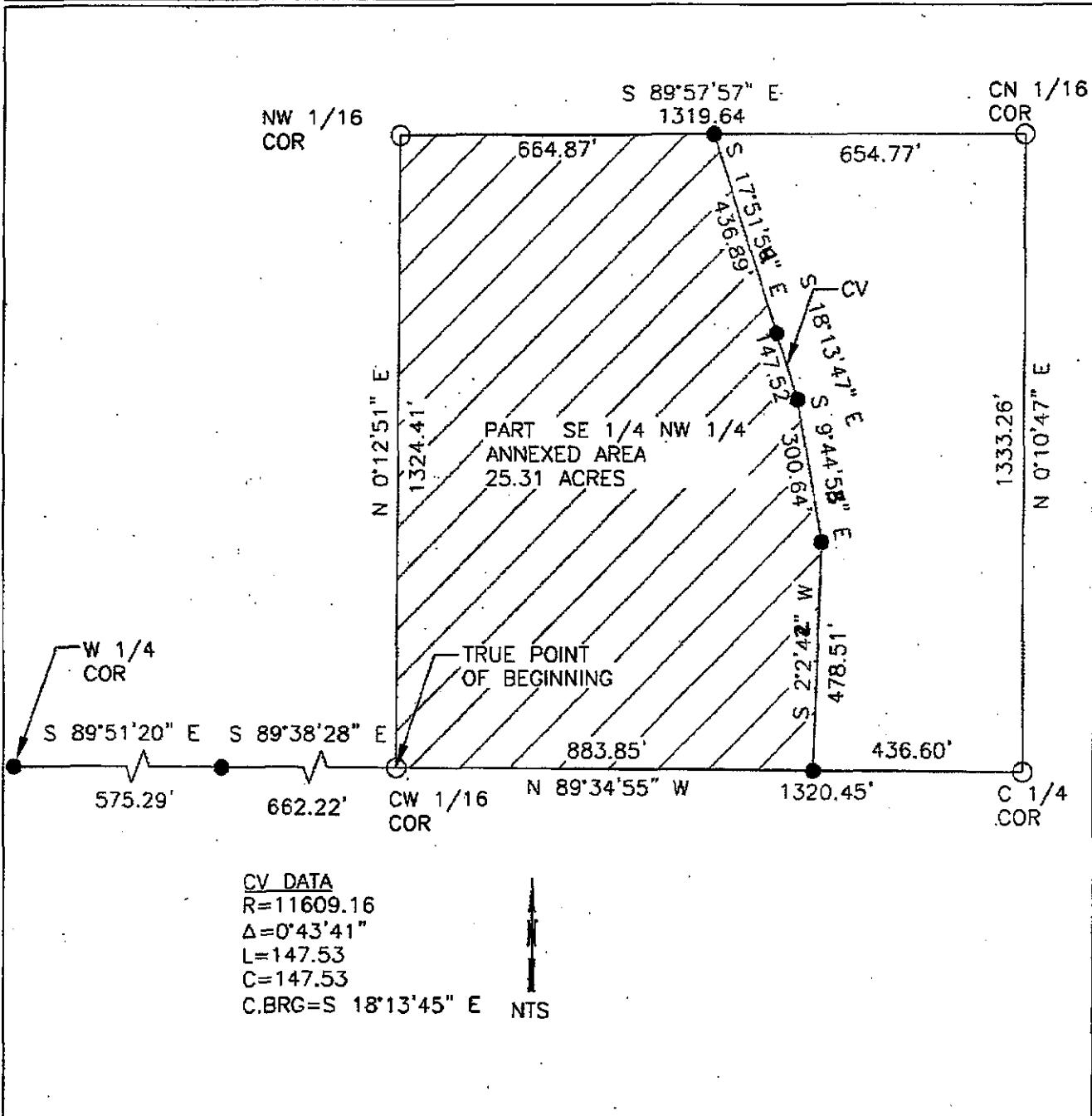


EXHIBIT A

BOISE CITY ANNEXATION

ORDINANCE NO. 6668 ACRES: 25.31 EFFECTIVE DATE: 6/2/2008